



WEB COPY

CRP No. 327 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-03-2026

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 327 of 2026

AND

CMP NO. 1760 OF 2026

1.Sundaramoorthy
S/o. Krishna Naicker,
Jai Sairam Cinema Theater opposite,
Virthuchalam Main Road,
Kaspa Ullundurpet, Ullundurpet,
Kallakurichi.

2.Sekar
S/o. Krishna Naicker,
Ullundanthar Kovil Village,
Ullundurpet, Kallakurichi.

3.Santhi
W/o. Elumalai,
No. 15, South Street,
Ullundanthar Kovil Village,
Ullundurpet, Kallakurichi.

4.Ramadass
S/o. Krishna Naicker,
No. 52, East Street,
Ullundanthar Kovil Village,
Ullundurpet, Kallakurichi.

..Petitioner(s)

Vs

1.Kasthuri
W/o. Kolanjiyappan,
No. 1/G3, B-Block, Assi Plats,
2nd Street, Parathsarathi Street,
Aadhambakkam, Chennai-88.



2.Murugavel
S/o. Arumugam,
No. 15, Mariyamman Kovil Street,
Mangalampettai, Viruthachalam,
Kadulur.

3.Umamageshwari
D/o. Kovindharaj,
Flat No.2A, Guru Asreya Flats,
AVM Avenue, 2nd Street,
Virgambakkam, Chennai-92.

4.Gunasundari
W/o. Karthi
Flat No.2A, Guru Asreya Flats,
AVM Avenue, 2nd Street,
Virgambakkam, Chennai-92.

..Respondent(s)

PRAYER

Civil Revision Petition filed under Art. 227 of Constitution of India, praying to set aside the order in IA No. 5 of 2025 in OS No. 402 of 2022 dated 28.10.2025 on the file of the learned Sub Judge Ulunthurpet as illegal, incompetent, without Jurisdiction and liable to be set aside.

For Petitioner(s): Mr. M.Muruganantham

For Respondent(s): No appearance

ORDER

Challenging the impugned order passed in I.A.No.5 of 2025 in O.S.No.402 of 2022 by the learned Sub-Judge, Ulundurpet, the Revision Petitioners/defendants 1 to 4 preferred this Civil Revision Petition.



2. Before the trial court, the Revision Petitioners/defendants 1 to 4 have filed an application under Order 8 Rule 1A(3) of C.P.C. to mark additional documents, but the trial court had partly allowed the said application and permitted to mark other documents except 1 and 7. Aggrieved over that, the Revision Petitioners/defendants 1 to 4 have preferred this Civil Revision Petition.

3. The learned counsel for Revision Petitioners would submit that all those documents are necessary to prove their defence, otherwise, it will lead to multiplicity of proceedings. The documents 1 and 7 relied on by the Revision Petitioners are the unregistered Partition deed and patta stands in the name of contesting defendants' father. Therefore, they claimed right based on the said documents. But, the trial court failed to consider the same and erroneously denied to mark the documents 1 and 7.

4. On perusal of records, the fact reveals that the 1st respondent/plaintiff filed the suit seeking for partition and the contention of the plaintiff is that defendants are not entitled to claim right over the suit property. The defendants claimed their right based on the additional documents sought for marking. But, to prove their defence. the opportunity is not given before the trial court. If opportunity is not given, defendants' valuable right to defend the case will be defeated. Therefore, this court is inclined to set aside the findings rendered in I.A.No.5 of 2025 in O.S.No. 402 of 2022 by the Sub-Judge, Ulunthurpet. Accordingly, this Civil Revision Petition is allowed. The Revision Petitioners



are permitted to adduce documents on their side and also permitted to file additional written statement. Liberty is granted to the 1st respondent/plaintiff to raise objections and also to file her reply statement, if any. Thereafter, the trial court is directed to proceed with the trial and dispose the case as early as possible. No costs. Consequently, connected civil miscellaneous petition is closed.

12-03-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

RPP

To

The Sub-Judge, Ulunthurpet.



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T.V.THAMILSELVI J.

RPP

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